

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LATOYA THERESA SMITH,

Defendant.

REDACTED

Criminal Action No. 17-15-LPS

SUPERSEDING INDICTMENT

The Grand Jury for the District of Delaware charges that:

COUNT ONE

On or about September 20, 2016, in the State and District of Delaware, LATOYA THERESA SMITH, defendant herein, in connection with the attempted acquisition of a firearm, a Glock 19, .9mm pistol, serial number BBRL925, from StarQuest Shooters & Survival Supply in Wilmington, Delaware ("StarQuest"), a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made false and written fictitious statements to StarQuest, each of which was intended and likely to deceive StarQuest as to a fact material to the lawfulness of the sale of said firearm to the defendant under the provisions of Chapter 44, Title 18, United States Code, in that the defendant did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, representing that she was the actual buyer of the firearm, when in fact, as the defendant then knew, she was attempting to purchase the firearm for another person, and representing that she had not been convicted in any court of a crime for which the judge could have imprisoned her for more than one year, when in fact, as the defendant then knew, she had been convicted of such a crime, in violation of Title 18, United States Code, Section 922(a)(6).

COUNT TWO

On or about September 20, 2016, in the State and District of Delaware, **LATOYA THERESA SMITH**, defendant herein, knowingly made a false statement and representation to StarQuest, a dealer licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of StarQuest, in that the defendant did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, representing her current address as _____, Wilmington, DE, when in fact, as the defendant then knew, she did not live at that address, in violation of Title 18, United States Code, Section 924(a)(1)(A).

COUNT THREE

On or about September 21, 2016, in the State and District of Delaware, **LATOYA THERESA SMITH**, defendant herein, in connection with the attempted acquisition of a firearm, a Ruger SR9E .9mm pistol, serial number 337-67661, from Miller's Gun Center in New Castle, Delaware ("Miller's"), a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made false and fictitious written statements to Miller's, each of which was intended and likely to deceive Miller's as to a fact material to the lawfulness of the sale of said firearm to the defendant under the provisions of Chapter 44, Title 18, United States Code, in that the defendant did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, representing that she was the actual buyer of the firearm, when in fact, as the defendant then knew, she was attempting to purchase the firearm for another person, and representing that she had not been convicted in any court of a crime for which the judge could have imprisoned her for more than one year, when in fact, as the

defendant then knew, she had been convicted of such a crime, in violation of Title 18, United States Code, Section 922(a)(6).

COUNT FOUR

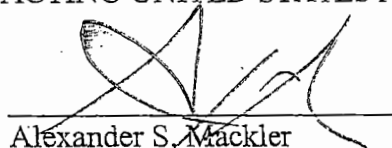
On or about September 21, 2016, in the State and District of Delaware, LATOYA THERESA SMITH, defendant herein, in connection with the attempted acquisition of a firearm from Miller's Gun Center in New Castle, Delaware ("Miller's"), a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Miller's, in that the defendant did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, representing her current address as _____, Wilmington, DE, when in fact as the defendant then knew, she did not live at that address, in violation of Title 18, United States Code, Section 924(a)(1)(A).

A TRUE BILL:

Foreperson

DAVID C. WEISS
ACTING UNITED STATES ATTORNEY

By:



Alexander S. Mackler
Assistant United States Attorney

Dated: November 28, 2017